



**State of Hawaii  
DEPARTMENT OF EDUCATION**

**REQUEST FOR IDEA  
IMPARTIAL DUE PROCESS  
HEARING**

For DOE use only:

Date Received by CAS: \_\_\_\_\_ Initials: \_\_\_\_\_

**TO:** Linell Dilwith  
Complex Area Superintendent  
Kaimuki-McKinley-Roosevelt  
Complex Area or District

**RE:** Tevita Ahomana (ID: 1281600637)  
Name of Student

June 23, 2007 808-308-8977

Date of Birth Phone

**FROM:** Feketi Huahulu  
Print Name  
Check one: ☒ Parent/Legal Guardian ☐ Department Representative  
☐ Attorney for Parent

1326 Keeaumoku St., #106

Student's Mailing Address\*  
(\*If none, please provide available contact information)

Honolulu, HI 96814

City State Zip Code

Robert Louis Stevenson Middle School

Name of School (that student currently attends)

DOE Home School (If different)

This is a request for an impartial due process hearing concerning the education of the above-named student. In the spaces below, or on attached sheet(s), please describe the nature of the problem, including related facts and a proposed resolution of the problem as you see it, to the extent known to you. Be specific.

**IDENTIFICATION:** (Referral process prior to evaluation or determination of eligibility)

Description of problem and related facts:

Proposed Resolution:

**EVALUATION:** (Activities involved in information gathering to determine special education/ Section 504 eligibility and/or the extent of special education/modifications and related service needed by the student)

Description of problem and related facts:

Proposed Resolution:

**PLACEMENT:** (The educational setting for the implementation of the IEP/MP)

Description of problem and related facts:

Proposed Resolution:

**DISTRIBUTION:** special\_ed\_complaints@notes.k12.hi.us  
atg.odr@hawaii.gov  
Principal, DOE School of Attendance

Form 105 (rev. 9/14/18)  
Request for IDEA Impartial Due Process Hearing  
Page 1 of 2

Received March 24, 2020

1:50 p.m.

**PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION:** (Activities/services related to the IEP/MP)

## Description of problem and related facts:

See attachment: Attachment-Due-Process-Hearing-Request-ID-1281600637.pdf

## Proposed Resolution:

See attachment: Attachment-Due-Process-Hearing-Request-ID-1281600637.pdf

Copy of the  
attachment follows  
in this document.  
(pp. 3-25)

In accordance with Individuals with Disabilities Education Act (IDEA) 2004, before a due process hearing can be held, the school must convene a resolution session (meeting) with the parents and the relevant member(s) of the IEP Team who have specific knowledge of the facts identified in this request within 15 days of its receipt by the Department of Education. The purpose of the resolution session is for the parent to discuss the due process complaint and the facts that form the basis of the complaint. The school may not include an attorney at this session unless the parent is accompanied by an attorney. The resolution session will take place unless both parties agree to waive the meeting in writing, or agree to mediation.

Please initial one of the following:
☒ **FH** I would like a resolution session.

☐ I would like to waive the resolution session. (Note: The resolution session will be scheduled unless it is also waived by the other party.)

☐ I would like to request a mediation session.

☐ I do not wish to use the mediation process.

## Additional Information (Please check box and fill-in as applicable.)

☒ I will need the services of an interpreter. Please specify: My interpreter is Vanessa Ott. Please speak with her about arranging meetings with me.
☐ I will be accompanied by an attorney at the hearing. If the attorney is known at this time, please provide the following information:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

 Address: \_\_\_\_\_  
                     Street                    City                    State                    Zip Code                    Email

☒ I will be accompanied and advised by a parent advocate. If the advocate is known at this time, please provide the following information:

 Name: Vanessa Ott Phone: 808-854-1018 Fax: \_\_\_\_\_

 Address: 2825 S. King St., #2901, Honolulu, HI 96826
  
 Signature of Requester

1326 Keeaumoku St., #106

Mailing Address: \_\_\_\_\_  
Street

808-308-8977

Phone

Date

3/24/20  
 Honolulu, HI 96814

City State Zip Code

Fax, if available

 DISTRIBUTION: special\_ed\_complaints@notes.k12.hi.us  
 atg.odr@hawaii.gov  
 Principal, DOE School of Attendance

 Form 105 (rev. 9/14/18)  
 Request for IDEA Impartial Due Process Hearing  
 Page 2 of 2

Feketi Huahulu  
1326 Ke'eaumoku St., #106  
Honolulu, HI 96814  
HuahuluFeketi@gmail.com  
808-308-8977

Office of Dispute Resolution  
Received March 24, 2020  
1:50 p.m.

please cc: IEP Team Member and my interpreter, Vanessa Ott, in written correspondence.

Vanessa Ott  
MsVOtt@gmail.com  
808-854-1018

**March 24, 2020**

**ATTACHMENT TO FORM 105**  
**DUE PROCESS COMPLAINT & REQUEST FOR IDEA IMPARTIAL DUE PROCESS HEARING**  
re: Tevita Ahomana (student ID: 1281600637)

My son, Tevita Ahomana, is not receiving an appropriate education as required by IDEA law.

I request a due process hearing to address this complaint, and as the first step, request a resolution session within 15 days.

Due to Mayor Caldwell's Work from Home Order, it appears that we will have to use some type of online meeting software to conduct business. Ms. Ott can help me with the technology. I need to arrange a practice session with someone at the DOE in advance of a resolution session to make sure I am able to get connected.

All the evidence supporting this complaint is available online through the links on this private web page:

<https://freespeech4us.com/due-process-hearing>

Should this complaint be deemed sufficient, I request the following conditions for the resolution session:

- The participation of an impartial curriculum expert (experts) who has (have) experience with the general education Language Arts and Math curricula selected by Robert Louis Stevenson Middle School (RLSMS), *Springboard* and *Ready Math* (including the Teacher Toolkit), and understands the differentiation materials available in each curriculum so s/he is able to make informed judgments regarding Tevita's current alternative curriculum (as evidenced by student work) compared to the school-selected general education curriculum.
- My chosen IEP Team Member, Vanessa Ott, who also serves as my personal interpreter and assistant will be treated as an equal participant and will often speak on my behalf.
- A clear understanding that I am going to record the session.

Standards for what constitutes an “appropriate individualized education,” are explained in the December 7, 2017 USDOE IDEA Update “*Questions and Answers (Q&A) on U. S. Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1.*” The standards set by this Supreme Court decision are referred to as the “**Endrew F. Standard.**” This U.S. Department of Education update quoted herein is available online here:

<https://sites.ed.gov/idea/files/qa-endrewcase-12-07-2017.pdf>

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## Types of Violations

Two types of IDEA violations have occurred:

### **I. Substantive Violations**

- Failure to a FAPE that is reasonably calculated for my son to make progress in the general education curriculum.
- Failure to provide special education and related services that are effective and based on peer-reviewed research.
- Failure to monitor the student's progress toward his or her goals and make instructional changes when necessary.
- Failure to provide the means for my son to achieve appropriately ambitious educational objectives in light of his circumstances.

### **II. Procedural Violations**

- Failure to allow me and Ms. Ott to meaningfully participate in the IEP development process & educational decision making.
- Failure to devise an appropriate IEP based on the Tevita's individual needs and circumstances.
- Failure to train teachers in Tevita's areas of disability, and the accommodations & supports that should be in place.

## **I. SUBSTANTIVE VIOLATIONS**

Due to substantive violations of the IDEA, my son does not have an IEP that is reasonably calculated to enable him to make appropriate progress in light of his circumstances.

IEP "Reasonably Calculated" criteria per *Endrew F.* Standard

The *Endrew F.* standard as clarified by the U.S. Department of Education (Q. 10) states:

*The "reasonably calculated" standard recognizes that developing an appropriate IEP requires a prospective judgment by the IEP Team. Generally, this means that school personnel will make decisions that are informed by*

- their own expertise,
- the progress of the child,
- the child's potential for growth,
- and the views of the child's parents.

*IEP Team members should consider how special education and related services, if any, have been provided to the child in the past, including the effectiveness of specific*

*instructional strategies and supports and services with the student. In determining whether an IEP is reasonably calculated to enable a child to make progress, the IEP Team should consider:*

- the child's previous rate of academic growth,
- whether the child is on track to achieve or exceed grade-level proficiency,
- any behaviors interfering with the child's progress.
- and additional information and input provided by the child's parents.

### My Son's Current Circumstances

- Tevita has been identified by a neurologist as having an attention deficit (inattentive type; easily distracted), and a developmental delay.
- Tevita has always been behind his Grade Level peers in academic progress (delayed). Until he was 11 years old, he did not receive an adequate education. He did not attend Kindergarten because I didn't know that he should. While in Grades 1-3 (Oakland, California), he was segregated and placed in small classroom environments with students that had severe learning disabilities. By the end of Grade 4, after a year and a half at Prince Kuhio Elementary School, he still could not read at Grade 1 level. He could not add 2+2 or 3+3 without counting on his fingers. He wasn't even aware he lived on an island in the middle of the Pacific Ocean, much less what the Pacific Ocean is.
- In school year 2017-2018, Vanessa Ott helped me homeschool Tevita. He began to learn how to read with the help of an Orton-Gillingham specialist, do basic Grade 1 level Mathematics, how to read a map, hold a pencil properly and write in cursive, among other things. He attended Yoga and Aikido classes, and his coordination improved. He also learned to use a computer. It turns out he's very good at it. The ease with which he learned computer skills is strong evidence that although delayed, he is quite capable of learning complicated topics and developing strong skills when the subject interests him and the pathway for learning uses his strengths.
- Tevita returned to public school in SY 2018-2019 at Queen Kaahumanu Elementary School (QKES) in Grade 5. The first half of the year he made little progress. He was not being taught a structured curriculum. The second half of the school year, he was assigned an experienced reading teacher who worked him through a differentiated version of the QKES Language Arts curriculum, *Wonders*. The less experienced SpEd teacher in conjunction with his home tutor (Ms. Ott), worked him through the QKES Math curriculum, *Stepping Stones*, starting at Grade 3 level and progressing forward as rapidly as possible. He experienced a meteoric rise in academic ability in the second semester of last year.<sup>1</sup>
- Since entering Grade 6 at RLSMS which began with Extended School Year services in the summer of 2019, Tevita's Math and Reading performance has fallen dramatically. In December 2019, his i-Ready Math score was 27 points lower than it was seven months earlier in May at the end of Grade 5. Likewise, his December Grade 6 i-Ready Reading Score was 31 points lower than it was at the end of Grade 5. He is not being taught with a professionally-written, structured curricula and this is impeding his progress.

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<sup>1</sup> See Ms. Ott's article containing data about Tevita's success with the structured Math curriculum, *Stepping Stones*, versus an unstructured curriculum in Origo Education's February 2020 News blog: *Special Ed Success in Hawai'i*: [www.origoeducation.com/blog/special-ed-success-in-hawaii](http://www.origoeducation.com/blog/special-ed-success-in-hawaii)

- Tevita has difficulty with organization skills and remembering what he has learned in class during the day. Rarely can he answer, “What did you learn in Math (Reading, Social Studies, etc.) today?” Also, learned helplessness behaviors often impede his academic progress.
- Tevita does not live with any adults who are proficient in English. I am a single parent, and my English is not very good. However, my English is good enough to communicate with Ms. Ott. She is very good at helping me understand the education system, and helps me communicate what I want to say. She helps Tevita with his school work whenever she can. Tevita greatly benefits by having Ms. Ott involved with his education.

### Reading and Math Diagnostic Data

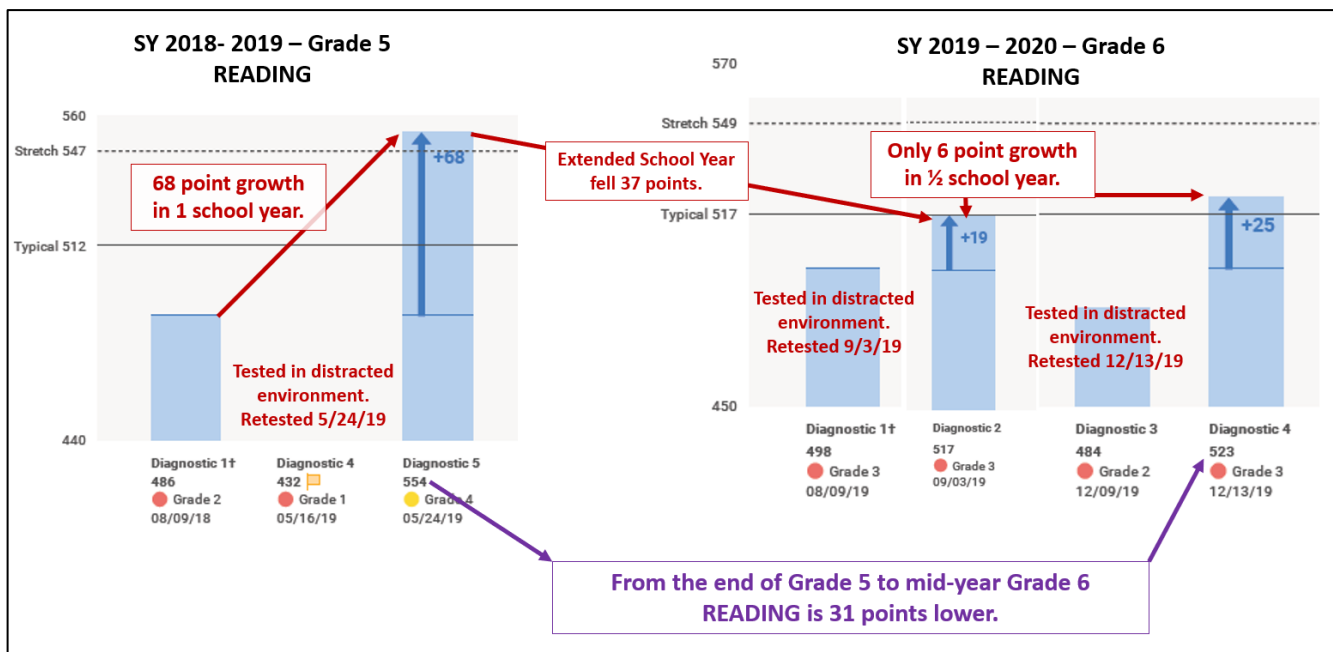
The following diagrams show a summary of Tevita’s i-Ready Reading and Math performance data for Grade 5 compared to Grade 6 Semester 1. The i-Ready reports and information about the derivation of these diagrams is available here:

<https://freespeech4us.com/diagnostics>

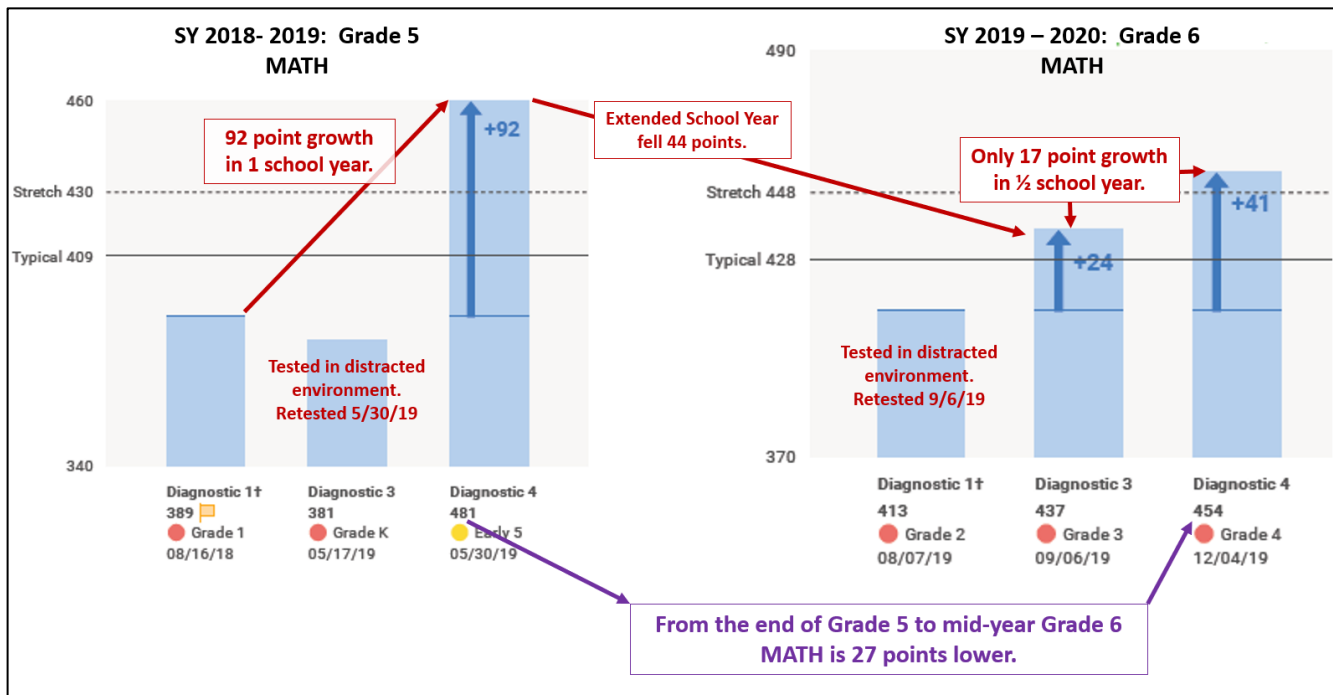
**Over the past seven months**, from the end of Grade 5 (May 2019) to the end of Semester 1 in Grade 6 (Dec 2019), **Tevita’s**

- **Reading score has fallen by 31 points, and**
- **Math score has fallen by 27 points.**

## READING



# MATH



## Definition of Tevita’s “Parent & Family”

Tevita’s family circumstances were described earlier in the section titled “[My Son’s Current Circumstances](#).” Although I am not able to help Tevita learn content because of my limited English, part of his educational ‘ohana here in Hawai’i is Vanessa Ott who has been my interpreter and advisor, and Tevita’s tutor, for the past three years. She and I work as a unit. She advises me and helps me understand the numerous documents related to the IDEA, Tevita’s IEP, Tevita’s schoolwork, and announcements from school.

Wherever the IDEA refers to “parent” I need for the Hawai’i Department of Education to recognize that Tevita’s entire parental unit includes Ms. Ott. I am not suggesting that she represent me like an attorney because I am always present – in meetings, in emails, and Ms. Ott does not act or speak without my permission. She and I work well together to provide for Tevita what English-speaking parents can provide for their children alone. Ms. Ott is a trained teacher and very knowledgeable about what Tevita needs to advance his education.

Ms. Ott submitted her own complaint to CAS Dilwith, then Deputy Superintendent Unebasami, and then Superintendent Kishimoto about all the BOE policy violations (E-2, 101-6, 102-3, 101-14, 304, 304-1, and 304-5) that have occurred because the Principal has refused to treat Ms. Ott with the respect her position as my interpreter and assistant deserves, and has excluded Ms. Ott from home-to-school communications sent to me. Please read Ms Ott’s complaint here:

<https://freespeech4us.com/complaint>

To date, no one has addressed Ms. Ott’s complaint and the problem remains unresolved. The IDEA does not cover issues concerning non-native-English-speaking parents, so I don’t

expect those policy violation issues to be addressed in my IDEA Impartial Due Process Resolution Session or Hearing (if it comes to that). Nonetheless, moving forward I need for the DOE to recognize that I must have the right to choose my own interpreter. I must have the right to choose communication in English with my chosen interpreter included. I do not want a Tongan interpreter because I do not want any people in the Oahu Tongan community to be involved in my son's business. I want the DOE to stop trying to force this on me. I want the DOE to include Ms. Ott and me in Tevita's education just as any parent should be included.

#### IEP Not Reasonably Calculated to Make Progress

Tevita's progress in Grade 5 Semester 2 was because the *Wonders* and *Stepping Stones* structured curricula made it easy for me, Tevita, and Ms. Ott to do a lot of additional learning and support at home. What he was learning in school each day in Grade 5 at Queen Kaahumanu School, as well as what was coming next in each subject, were easy to follow for all three of us, and we were able to help him at home to study and progress more rapidly through the general education curriculum. We also had access to the teacher resources for the general education curriculum.

That has not been the case at all since he has transitioned to Robert Louis Stevenson Middle School. His progress without structured curricula and no collaboration between home and school has lowered his overall performance and stalled his academic progress. At RLSMS he is not on track to achieve or exceed grade-level proficiency, and his IEP is not reasonably calculated to enable him to make progress. The data does not support the RLSMS current approach to teaching Tevita.

Given the evidence of Tevita's previous rate of growth in Grade 5 Semester 2, it is clear that Tevita has great potential for significant academic growth given the right circumstances. The right circumstances are a structured curriculum combined with teacher cooperation and collaboration with the parent and home tutor.

In its final decision in *Endrew F.*, the Supreme Court “*held that to meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.*” Tevita’s current IEP does not meet this standard. To meet this standard, we need to recreate the conditions that offered the greatest academic progress – structured curricula combined with ongoing home supports and home-to-school collaboration with teachers, parent, and home tutor.

#### IEP “General Education” & “Challenging Objectives” criteria per *Endrew F.* Standard

As explained above, Tevita has a greater chance of meeting challenging objectives when he is taught a structured curriculum, and Ms. Ott and I are empowered to provide additional supports at home that enhance and compliment what he is learning in school on a daily basis. The curriculum that Tevita has been learning at Robert Louis Stevenson has some bright points (especially his Science class), but his core curriculum in Language Arts and Mathematics is not the school-selected general education curriculum, and his Social Studies curriculum is extremely poor. In Semester 1 he took the same Social Studies test 8 times!

If that's the general education Social Studies curriculum for all of RLSMS Grade 6 students, they're not getting a decent Social Studies education at the school.

The *Endrew F.* standard concerning appropriately ambitious goals as clarified by the U.S. Department of Education states:

(Q. 8) *"As a result of Endrew F., each child's educational program must be appropriately ambitious in light of his or her circumstances, and every child should have the chance to meet challenging objectives."*

(Q. 13) *"As the Court stated, 'advancement from grade to grade is appropriately ambitious for most children in the regular classroom;' however, the Court also noted that while these 'goals may differ...every child should have the chance to meet challenging objectives.' In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum."*

*"The term 'general education curriculum' is 'the same curriculum as for nondisabled children.' We have previously clarified that the phrase "the same curriculum as for nondisabled children" is the curriculum that is based on a State's academic content standards."*

*"This alignment, however, must guide, and not replace, the individualized decision-making required in the IEP process. This decision-making continues to "require careful consideration of the child's present levels of achievement, disability, and potential for growth" as discussed in question #11."*

At this point it is essential that an impartial curriculum expert look at Tevita's body of work from Grade 6 Semester 1 and in the case of the Language Arts and Math curriculum, compare those materials to the *Springboard* and *Ready Math* curricula. One can view his work through the links provided here:

<https://freespeech4us.com/due-process-hearing>

### **Math and Language Arts**

Compared to the school selected general education curricula *Springboard* and *Ready Math*, the alternative curriculum the teachers are using pales in comparison. Where exactly are these alternative curricula coming from? Are the teachers making this up as they go along? It seems that way. The Language Arts teacher is an emergency hire with no formal training in education. The SpEd Math teacher is only in her third year of teaching. Neither of these people have enough experience to write a structured curriculum and Tevita's work proves this.

The alternative Math curriculum, Tevita's work, exemplifies the worst of "teaching to the test" mentality. Worksheet after worksheet on math skills with no real understanding of the concepts. Manipulatives that have no purpose in the learning of a math skill (like coloring pictures for the sake of coloring, or cutting out pictures for the sake of using a scissors and calling these Math manipulatives). The Language Arts curriculum is disjointed, unorganized, and Tevita's work is alarmingly minimal – a sentence here and

there when he should be writing paragraphs and having his grammar corrected and taught properly.

### **Social Studies**

Tevita's Social Studies curriculum has touched on less than 10% of Grade 6 content standards. He was made to take the same test on how to spell the names of the Hawaiian Islands (okina included) and the names of the oceans over 7 times, and he wasn't getting any corrections or feedback as to what was wrong.

### **Art**

Tevita had Art classes in Q1. He did not bring home any work from Art class even though Ms. Ott and I requested it more than once. As far as I know, he didn't do much of anything in Art class.

### **Music**

Although the content covered in this Q2 class was admirable, Tevita, who has difficulty copying notes from a board verbatim, was given no handouts with crucial information until after the November 12, 2019 IEP meeting. During that meeting the Music teacher argued against having to provide handouts of essential information rather than writing it on the white board until the Principal intervened. After the 11/12/19 meeting, Ms. Ott discovered that students were learning to play the ukulele, but Tevita was having difficulty strumming with his right hand because he is left-handed.

### **IEP Not Providing Challenging Objectives nor Access to General Education Curriculum**

Tevita is not being challenged with professionally-written, scaffolded, differentiated, structured curricula. The challenge he is facing are teachers who either do not know how to use a professionally-written curriculum and/or are unable to create one of their own that is adequate. He also is challenged to learn higher level concepts without having a solid foundation in lower level concepts needed to progress. His Semester 1 performance concerning his Reading and Math diagnostic data for the first half of Grade 6 are proof that the current curriculum approach of not using a structured curriculum are not providing him with an appropriate education reasonably calculated to make progress appropriate in light of his circumstances. He also faces the challenge of teachers not providing the accommodations he needs to succeed.

## **II. PROCEDURAL VIOLATIONS**

Ms. Ott's and my concerns, plus the responses we received or didn't receive over the course of Semester 1 (August to December 2109), are documented chronologically in one file in a header-outlined-DOCX (15.5M) or PDF (5M) format (heretofore referred to as "[CORRESPONDENCE](https://freespeech4us.com/correspondence)") available here:

<https://freespeech4us.com/correspondence>

Sections (§14xy) refer to ([20 USC Chapter 33: Education of Individuals With Disabilities](#)) also referred to as the "Individuals with Disabilities Education Act", or IDEA. One can access the text of the IDEA by clicking the link above or doing a US Code search here:

<https://uscode.house.gov/>

## Congressional Finding: Family Participation in a Child's Education is Effective

One of the Congressional findings of the IDEA as stated in 20 USC Ch. 33 §1400.(c)(5)(B) is, *"Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home."*

When one reads the CORRESPONDENCE between home and school this year, it is easy to see that there have been negligible *meaningful* opportunities for me and Tevita's extended family to participate in educating him at home. Therefore, it is not surprising that his performance has fallen so dramatically since entering RLSMS.

## Inclusion of Parent in IEP Process is Required by IDEA

Several provisions of the IDEA (20 USC Chapter 33: Education of Individuals With Disabilities) ensure my right to be involved in developing my son's Individualized Education Plan, as well as Ms. Ott if I choose to involve her, which I do.

*§1400.(d)(3) The purposes of this chapter are to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services.*

*§1414.(d)(1)(B) The term IEP Team means a group of individuals composed of — (i) the parents of a child with a disability; ... (vi) at the discretion of the parent, other individuals who have knowledge or special expertise regarding the child.*

*§1414.(d)(3)(A)(ii) In developing each child's IEP, the IEP Team shall consider the concerns of the parents for enhancing the education of their child.*

*§1414.(d)(3)(B)(ii) The IEP Team shall — in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP.*

*§1414.(d)(4)(A)(ii)(III) The local educational agency shall ensure that the IEP Team revises the IEP as appropriate to address information about the child provided to, or by, the parents.*

U.S. Department of Education's comments on the *Endrew F.* standard concerning parental involvement in the IEP process (Q.11) state:

*While the Court did not specifically define "in light of the child's circumstances," the decision emphasized the individualized decision-making required in the IEP process and the need to ensure that every child should have the chance to meet challenging objectives. The IDEA's focus on the individual needs of each child with a disability is an essential consideration for IEP Teams. Individualized decision-making is particularly important when writing annual goals and other IEP content because "the IEP must aim to enable the child to make progress." For example, **the Court stated***

***that the IEP Team, which must include the child's parents as Team members, must give "careful consideration to the child's present levels of achievement, disability, and potential for growth."*** (Emphasis added.)

Since there are no guidelines on what "careful consideration" means, we need a clear understanding of what constitutes DOE standards of "careful consideration." I draw on the definitions from [dictionary.com](https://www.dictionary.com):

consider – verb

***(used with object)***

- to think carefully about, especially in order to make a decision; contemplate; reflect on:
- to regard as or deem to be:
- to think, believe, or suppose:
- to bear in mind; make allowance for:
- to pay attention to; regard:
- to regard with respect, thoughtfulness, honor, etc.; esteem.
- to think about (something that one might do, accept, buy, etc.):

***(used without object)***

- to think deliberately or carefully; reflect.
- to view carefully or thoughtfully.

A de minimis standard of "to consider" a parent's concerns is to think about them. However, when important educational decisions are being made that affect my son's life and his future, and how these decisions are reflected in his IEP, "to consider carefully" must go beyond mere thinking. "Careful" consideration requires that my concerns be addressed through reflection, and bearing these concerns in mind, making allowances for them. If my concerns are to be regarded with respect, thoughtfulness, and honor, I expect some kind of intelligent, fact-and research-based, written justification for why my concerns are not addressed. That is my standard. What is the DOE's standard? As far as I can tell, and based on my experience, only the de minimis standard is the DOE's approach to my concerns. The Principal says my concerns have been considered, and then they are ignored. I guess she thought about them, and she decided to say no. That's that. No peer-reviewed justifications for decisions. That seems to be the extent of DOE "careful consideration" which is insufficient.

#### DOE Has Prevented My Involvement and Ignored My Concerns

This is what my involvement in Tevita's IEP process and education (with Ms. Ott's assistance) has been like this school year. School started on August 5, 2019. We made first contact with the school on 8/17 inquiring what curricula the school was using. We were concerned because Tevita was not bringing *any* work home nor any books or worksheets to

study. We tried to make appointments with his teachers to find out what he was learning, and discuss how we can support his learning at home, but we were not allowed to do so. (See [CORRESPONDENCE](#) 8/17/19 – 9/5/19.) Finally, on September 19, 2019 we had a 1-hour meeting with most of his teachers. (See [CORRESPONDENCE](#) 9/5/19 – 9/20/19.) The outcomes were:

- We still were not enabled to meet face-to-face with the teachers in their classrooms.
- We were directed to write emails to teachers if we had questions.
- Mr. Matsushige, Student Services Coordinator for Tevita, had to be cc'ed on all correspondence with teachers, and often we had to wait for Mr. Matsushige to respond on their behalf.
- The school established some guidelines for assisting Tevita to learn how to organize and remember what he's learning in each class, but they were not effective.
- The school agreed that Mr. Matsushige would collect Tevita's work and send it home once a week (Friday), though some of it had to be returned the following Monday.

As the weeks progressed it proved to be impossible to provide learning support for Tevita at home because he didn't bring home his work on a daily basis and rarely, if ever, did he have any homework to do. At home we were, and continue to be, completely disconnected from his learning. The inefficient communications system the Principal devised was proving to be ineffective and very time consuming. As the work finally started to come home at the end of each week, and we could see what he was doing in school, we became increasingly concerned about the lack of challenging and structured curricula. (See [CORRESPONDENCE](#) 9/20/19 – 11/8/19.)

On October 12, 2019 we asked to have an IEP revision meeting concerning the fact that Tevita was not learning the school selected general education curriculum in Math or Language Arts. A month later, there was a 1-hour IEP meeting on 11/12/19. The Language Arts and Social Studies teachers did not attend. The only "general education" teacher in attendance was the Tevita's Q2 Music teacher who was there to address our concerns that Tevita was having difficulty accessing the music curriculum because there were no handouts (see 11/5 and 11/8 emails). At that meeting it was apparent the Music teacher had limited training how to teach a child with Tevita's learning disabilities. The outcome of this very short meeting did not consider my concerns at all. The DOE had already decided what it would "offer" us before the meeting even began. (See [CORRESPONDENCE](#) 11/5/19 – 11/13/19.)

We continued to pursue a resolution to my concern that Tevita was not being taught professionally-written, structured curricula. We were granted one meeting with a teacher in her classroom (Math teacher) on 11/22/19 – the first and only meeting with a teacher in a classroom this whole school year. We presented sound reasoning including data for using the structured, school-selected general education Math curriculum, *Ready Math*. The outcome: Our concerns would be "considered" and then they were subsequently ignored. Nothing has changed and Tevita continues to make very, very little progress. Then, on 12/12/19, Principal Balatico wrote a long email to me in English, excluding Ms. Ott,

complaining that Ms. Ott was sending too many emails. The Principal has cut Ms. Ott, my interpreter and assistant, out of the communications loop. If she would just let me come in and talk to the teachers when needed, there would not be so many emails. (See [CORRESPONDENCE](#) 11/14/19 – 12/15/19.)

#### DOE's Responsibilities for Family Engagement and Parent Involvement in IEP Process

In her 12/12/19 email, Principal Balatico wrote, *"Since the start of the 2019-2020 school year, your private tutor, Vanessa has shown a strong interest in Tevita's education at Stevenson. While we welcome any concerns you may have about the delivery of FAPE to Tevita, we have explained to your tutor that the delivery of the IEP is the sole responsibility of the Department of Education. The choosing of a curriculum or methodology is the responsibility of the school and not the IEP team."*

Ms. Balatico acknowledges that it is the DOE's responsibility to deliver an Individualized Education Program. However, she does not recognize that this also means it is DOE's responsibility to **ensure that parents have the tools they need** [20 USC Ch. 33 §1400.(d)(3)] to improve their child's educational results.

The DOE will not let me have the tools I need to improve Tevita's educational results. I need for the teachers to follow a structured, professionally written curriculum. The school may have chosen *Springboard* and *Ready Math*, but they're not teaching it to him in spite of the Principal's claims to the contrary. He needs to do homework regularly that comes from that curriculum. He needs a school willing to collaborate with his parent and home tutor so that he can progress at a faster rate, which he is intellectually capable of doing. He needs challenging curriculum and experienced teachers trained to teach a structured curriculum to a learning disabled child. He is not able to progress without system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; a structured general education curriculum; and complete consideration of my concerns.

The lack of all these needed tools for the parent constitute procedural violations in the delivery of a FAPE.

#### IEP Team Composition, Attendance, and Participation Not in Compliance with IDEA

Per §1414.(d)(1)(B), an IEP Team is composed of—

- (i) the parents of a child with a disability;*
- (ii) not less than 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment);*
- (iii) not less than 1 special education teacher, or where appropriate, not less than 1 special education provider of such child;*
- (iv) a representative of the local educational agency who—*
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;*
  - (II) is knowledgeable about the general education curriculum; and*

(III) is knowledgeable about the availability of resources of the local educational agency;

(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(vii) whenever appropriate, the child with a disability.

**§1414.(d)(3)(C) Requirement with respect to regular education teacher in IEP development:**

*A regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(IV).*

**§1414.(d)(4)(B) Requirement with respect to regular education teacher in IEP review and revision:**

*A regular education teacher of the child, as a member of the IEP Team, shall, consistent with paragraph (1)(C), participate in the review and revision of the IEP of the child.*

Attendees at the 11/12/19 IEP meeting:

|                                                           |  |
|-----------------------------------------------------------|--|
| <b>Student's Name:</b> Ahomana, Tevita                    |  |
| <b>IEP MEETING INFORMATION</b>                            |  |
| <b>24. Date:</b> 11/12/2019                               |  |
| <b>25. MEETING PARTICIPANTS:</b>                          |  |
| Blake Carrigan - - Special Education Teacher              |  |
| Darren Serra - - General Education Teacher                |  |
| Feketi Ahomana - - Mother                                 |  |
| Katherine Balatico - - Principal (Administrator/Designee) |  |
| Malcolm Yasuda - - Student Services Coordinator (SSC)     |  |
| Ron Matsushige - - Special Education Teacher              |  |
| Wade Okuma - - Resource Teacher                           |  |
| Tevita Ahomana - - Student                                |  |
| Vanessa Ott - - Tutor                                     |  |

Mr. Serra is listed as the General Education Teacher. Is he part of the IEP Team? Mr. Serra was Tevita's Music teacher for only one quarter of the school year. A "regular education teacher" is expected to be a member of the IEP Team for the full year, not just a 1-hour meeting, yes? How else can the regular education teacher make meaningful contributions to his IEP? It takes time to get to know a student. Besides, during that meeting, Mr. Serra

seemed to be unaware of Tevita's special needs, and when made aware, he did not seem to understand the importance of providing a text, or worksheets, for important subject matter material. Apparently, he was unaware of Tevita's learning disabilities and the pedagogical methods for overcoming them. For these reasons, Mr. Serra is not an appropriate person to fill the requirement of the regular education teacher on the IEP Team.

Concerning a representative of the local educational agency who is knowledgeable about the general education curriculum, we're not sure who on the IEP team fits that description. No one seemed capable or qualified to speak knowledgeably about the school-selected general education curricula *Ready Math* or *Springboard*. If that person was there, s/he didn't speak about the general education curriculum and how Tevita was progressing.

Who exactly the individuals are assigned to fill some key roles on the IEP Team are not defined clearly. The IEP Team should include every subject area teacher for classes in which Tevita isn't participating with nondisabled children. This year, that would be the Math, Language Arts, Science, and Social Studies teachers. The specific IEP Team members with their roles and responsibilities need to be put in writing.

The Language Arts teacher and the Social Studies teacher did not attend the 11/12/19 IEP meeting even though we'd expressed many times that there were significant problems with his learning in these classes that needed to be addressed. Since I did not agree to their excusal, §1414.(d)(1)(C) was not satisfied.

#### IEP Development, Review, and Revision

Ms. Balatico incorrectly assumes that, "The choosing of a curriculum or methodology is the responsibility of the school and not the IEP team." That statement contradicts the IDEA.

##### The IEP Team Develops the IEP, Not the School

Developing a plan for advancing a child through the general education curriculum that addresses his needs and considers his individual circumstances is precisely the function of an IEP Team. The IEP Team is supposed to create an IEP that specifies how the general education curriculum will be adapted so Tevita can make progress. Such a plan must include strategies (methodologies) that support this goal and take into account his individual circumstances.

I agree that it is not the responsibility of the IEP Team to choose the general education curriculum for the entire school. In fact, I've been asking that Tevita be taught the general curriculum. He should have full access to and be learning the general education curriculum albeit using differentiated methodologies. However, at least in the case of Language Arts, Math, and Social Studies, that absolutely is not happening. This problem is fully described earlier in the section on Substantive Violations.

If one reads the IDEA, it is obvious that the IEP Team (the *whole* team) is supposed to create and revise the IEP. Ms. Balatico's statement is not only wrong, it's dangerously wrong to assume that only school personnel are responsible for deciding the curriculum and methodologies for Tevita's IEP and the school can ignore the parent's concerns. Below are some sections of the IDEA that describe the expectations that Tevita's IEP describe the modifications, supports, and strategies needed for him to

access the general education curriculum and make progress. Since Ms. Ott and I are part of the IEP Team, these are also our responsibilities.

§1414.(d)(1)(A) defines the term "individualized education program" or "IEP." as a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section (i.e., it is developed by the IEP Team). An IEP includes:

*(IV) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—*

*(aa) to advance appropriately toward attaining the annual goals;*

*(bb) to be involved in and make progress in the general education curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities;*

§1414.(d)(3)(B) requires that when developing the IEP, special factors be considered. Two of these apply to teaching methodologies.

*The IEP Team shall—*

*(i) in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;*

*(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;*

*(v) consider whether the child needs assistive technology devices and services.*

#### A Single 1-Hour meeting is Insufficient Time for IEP Review and Revision

As explained earlier, Ms. Ott and I have been allowed to meet with Tevita's teachers to discuss curriculum, supports, and other IEP matters only three times all year.

| Date     | Duration  | Topic                           | Outcome @ meeting and afterward                                                                                                                                                                                                                               |
|----------|-----------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9/19/19  | 1 hr.     | What is Tevita doing in school? | Bundles of work will come home at the end of the week. Ms. Ott and I must use email to communicate. Mr. Matsushige is the middle man. We cannot give home support and issues take a long time to get resolved.                                                |
| 11/12/19 | 1 hr.     | IEP meeting.                    | A few minor changes were made to Tevita's goals, but the school still refused to teach Tevita a differentiated version of the general education curriculum, and will not work with home tutor. Principal cuts off communication between Ms. Ott and teachers. |
| 11/22/19 | ≅ 40 min. | Math Curriculum                 | Ms. Ott and I meet with Math Teacher about using general education curriculum. She said she'd get back to us. She didn't.                                                                                                                                     |

I am a pivotal member of the IEP Team and, by my choice, so is Ms. Ott. Whenever there is a meeting where important decisions are being made concerning Tevita's performance, the teachers' curriculum choices, modifications, and supports, Ms. Ott and I should be involved.

In spite of all our efforts to be involved, (see [CORRESPONDENCE](#)), we were afforded only one, 1-hour IEP meeting where important issues were not resolved and there was no follow up. The school had already decided what would and would not be in the IEP when we showed up for that meeting, and I had no meaningful say in any of it.

I should be able to meet with individual teachers as needed, in a timely manner, to make changes as needed to address any of the issues in §1414.(d)(4)(A)(ii). (See below.) Any issues that can be consolidated into a meeting with a larger group should be addressed that way, but it is extremely inefficient to sit in a room and discuss, say, the Language Arts curriculum with anyone other than the Language Arts teacher. That is not effective “consolidation.” Not every IEP Team member has to be involved in every meeting – especially if a member's area of the curriculum or related services is not being modified or discussed in the meeting.

There are several provisions in the IDEA for alternative ways of making improvements to an IEP in a timely manner. All of them require my involvement and input, and yet, I am the one who has been left out of the discussions.

*§1414.(d)(C) IEP Team attendance*

*(i) Attendance not necessary*

*A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the local educational agency agree that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.*

*(ii) Excusal*

*A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—*

*(I) the parent and the local educational agency consent to the excusal; and*

*(II) the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.*

*§1414.(d)(3) Development of IEP*

*(D) Agreement*

*In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.*

*(E) Consolidation of IEP Team meetings*

*To the extent possible, the local educational agency shall encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.*

(F) Amendments

*Changes to the IEP may be made either by the entire IEP Team or, as provided in subparagraph (D), by amending the IEP rather than by redrafting the entire IEP.*

§1414.(d)(4) Review and revision of IEP

(A) In general

*The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—*

*(i) reviews the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved; and*

*(ii) revises the IEP as appropriate to address—*

*(I) any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;*

*(II) the results of any reevaluation conducted under this section;*

*(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);*

*(IV) the child's anticipated needs; or*

*(V) other matters.*

§1414.(f) Alternative means of meeting participation

*When conducting IEP team meetings and placement meetings pursuant to this section, section 1415(e) of this title, and section 1415(f)(1)(B) of this title, and carrying out administrative matters under section 1415 of this title (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.*

Expertise

I consider myself an expert on knowing my son's behavior and areas in need of behavior improvement. Ms. Ott has a lot of expertise in educating Tevita and has been looping forward with him as a tutor for three years. She also has many combined years of professional experience as a technical instructor and curriculum developer, private piano teacher, and Hawai'i DOE elementary school teacher (July 2006 – January 2012). And yet, we are being excluded from decision making concerning his IEP. I am concerned that Tevita's current IEP does not adequately consider (i.e., address, make allowance for) the following:

§1414.(d)(3) Development of IEP

(A) In general

*In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—*

*(i) the strengths of the child;*

*(ii) the concerns of the parents for enhancing the education of their child;*

*(iii) the results of the initial evaluation or most recent evaluation of the child; and*

*(iv) the academic, developmental, and functional needs of the child.*

*(B) Consideration of special factors*

*The IEP Team shall—*

- (i) in the case of a child whose behavior impedes the child's learning..., consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;*
- (ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;*
- (v) consider whether the child needs assistive technology devices and services.*

The Endrew F. standard as clarified by the U.S. Department of Education [quoted earlier](#) includes other factors in developing an IEP.

*School personnel should make decisions that are informed by*

- their own expertise,
- the progress of the child,
- the child's potential for growth,
- and the views of the child's parents.

*IEP Team members should consider:*

- how special education services have been provided in the past, and the effectiveness of specific strategies and supports,
- the child's previous rate of academic growth,
- whether the child is on track to achieve or exceed grade-level proficiency,
- any behaviors interfering with the child's progress, and
- additional information and input provided by the child's parents.

As I said earlier, The Language Arts teacher is an emergency hire with no formal training in education. The SpEd Math teacher is only in her third year of teaching. Neither of these people have enough experience to write a structured curriculum that is adequate. So, I question whether they are capable of making decisions informed about how to modify the school-selected curriculum considering their lack of expertise with both the curriculum and curriculum design in general.

I also question why Ms. Ott and I did not have adequate opportunity to address the many concerns we have with Tevita's current curriculum all year long. At the IEP meeting, we presented the data in Ms. Ott's article about Tevita's progress last year with a structured curriculum, and it was ignored.<sup>2</sup> One person even rolled her eyes when we pulled out the article we'd sent to the Team earlier (Origo had not published it yet). Parental inclusion in decisions regarding the education of a special-needs child is a fundamental purpose and right of the IDEA that the Principal and school has denied me. Why are we being shut out of the IEP process and education process? Why are Ms. Ott's expertise and my concerns not given

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<sup>2</sup> *Special Ed Success in Hawai'i*: [www.origoeducation.com/blog/special-ed-success-in-hawaii](http://www.origoeducation.com/blog/special-ed-success-in-hawaii)

the weight and value we expect from the IDEA? Find out the reasons, and we can correct the problem.

### Procedural Inadequacies are Impeding My Son's Right to a FAPE

For all of the reasons state above, it is clear that procedural inadequacies significantly impeded my participation in decision-making. Due to my requests for better curriculum and cooperation with Tevita's home tutor being ignored, this has caused deprivation of educational benefit and impeded Tevita's right to a FAPE.

*34 C.F.R. §300.513 (a)(2) In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies—*

- (i) Impeded the child's right to a FAPE;*
- (ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or*
- (iii) Caused a deprivation of educational benefit.*

## RESOLUTION

So that we may realize the purposes of the IDEA as stated in 20 USC Ch. 33 §1400.(d) and get Tevita back on track to achieving reasonable academic success, the following are appropriate resolutions.

I. Tevita's IEP will be revised as soon as possible to account for my high-priority concerns.

I would like Ms. Ott to review Tevita's current IEP with me and appropriate school personnel to draft changes that address needed improvements that include, but are not limited to:

- Tevita will be taught the school-selected general education curriculum beginning at his level of proficiency, and proceeding in a structured manner through the curriculum from that determined starting point and moving forward per steps specified in the curriculum.
- Tevita will be placed in an undistracted environment when taking diagnostic assessments;
- Tevita will not be pulled out of class to take assessments. He will take assessments at the same time as his peers, and if more time is needed, he will continue during arranged times before school, or after school.
- A clear list will be provided to all of his teachers of necessary classroom accommodations and supports in his IEP currently as well as:
  - A clear understanding of Ms. Ott's role on the IEP Team and in Tevita's educational 'ohana as my interpreter and Tevita's home tutor; this resource is a crucial part of Tevita's circumstances and support structure.

- Clear expectations of collaboration between me, Tevita's teachers, and Ms. Ott.
- Behavioral support plan for addressing Tevita's learned helplessness and disorganized behaviors.
- Acknowledgement that Tevita is left-handed and he should be provided left-handed adjustments to any kinesthetic task as appropriate (e.g., left-handed scissors; left-handed strumming).
- Teachers will have the equivalent of regular drop in and/or phone office hours, so that Ms. Ott, Tevita and I can ask questions in real time if needed and time-consuming meeting arrangements are unnecessary.
- Ms. Ott and I can expect answers from teachers to content-area questions via email without a care coordinator acting as a middle-man.
- On occasion, Ms. Ott and I will be permitted to observe Tevita during classes.

II. Ms. Ott and I will be involved in all IEP meetings and have equal input regarding Tevita's educational plan and IEP revisions.

For the purposes of these resolutions, I will use the term "IEP meeting" to mean any type of meeting between me with Ms. Ott and appropriate IEP team member(s) or teacher(s) regarding concerns about Tevita's school work or education program.

I should be invited to attend any meetings where there is discussion of Tevita's education plan, curriculum, analysis of data, or other concerns regarding his education. Ms. Ott should always be welcome because for me, her participation is a necessity.

The minimum required individuals for any IEP meeting is the parent plus one individual from the school who has reason to attend. For focused meetings on a particular subject, all IEP Team members not relevant to the discussion can be excused by agreement between me and the school.

I want a clear standard of "consideration" and "to consider" when addressing my concerns that goes beyond merely thinking about an issue. If any of my requests for improvement are denied, I will receive a fact-based, research-driven, written explanation of the reasons my request is denied, and specifics about the alternative means of addressing my concerns. This explanation will be delivered to me and Ms. Ott in electronic format with text that can be copied.

III. IEP meetings will be conducted as needed in a manner that is efficient and effective.

Not every IEP meeting requires the coordination and attendance of **all** IEP Team members. No meeting should be delayed because a non-essential member for the topic at hand is unavailable to attend.

There are several methods for me and Ms. Ott to meet with appropriate school personnel to discuss matters related to his FAPE. The school will utilize the most efficient, effective, and timely method of communication to address issues including:

1. face-to-face;
2. phone call;
3. email.

Whenever appropriate, an IEP will be revised using the streamlined IDEA agreement/amendment process described in IDEA §1414.(d)(3) to make changes to Tevita's IEP as needed in order to address issues as they arise.

Tevita's Care Coordinator does not have to be involved in every communication between me, Ms. Ott, and a teacher. This is overly time-consuming for Mr. Matsushige, and slows response time as well as action on issues. We need a clear understanding of when a Care Coordinator needs to be involved in a discussion with a teacher, and when it is not necessary.

#### IV. My concerns will be addressed in a timely manner.

Email from me or Ms. Ott will be answered within 1 to 3 working days. Regular office hours for voice or face-to-face meetings will be made available to me with Ms. Ott and Tevita.

#### V. Ms. Ott and I will receive via email *full* diagnostic reports of assessments within 2 working days of assessment completion.

In the past it has been difficult and time-consuming to acquire Tevita's full diagnostic reports. Implementing this regular procedure and documenting it in Tevita's IEP will eliminate the need for repeated requests in the future.

#### VI. Tevita will be taught the general education curriculum and have challenging, structured learning experiences that account for his level of competency in the given curriculum.

As stated in Resolution I., Tevita will be taught the school-selected general education curriculum beginning at his level of proficiency, and proceeding in a structured manner through the curriculum from that determined starting point and moving forward per steps specified in the curriculum. His progress through the Language Arts and Math school-selected, structured curriculum will continue even when assigned a new teacher as he advances to Grades 7 and 8.

Tevita will be assigned daily homework that reinforces the day's learning, and he will be allowed to bring his classwork home to study on a daily basis. Teachers will ensure that assignments are recorded in the planner with enough clarity for me, with my limited English, to understand what he is supposed to be doing, learning, or studying.

VII. All teachers will collaborate with me and Ms. Ott in the processes of curriculum delivery and IEP revisions.

The school will eliminate all barriers to collaboration and cooperation with me and Tevita's home tutor, Ms. Ott. Tevita has access to a volunteer private tutor and I have access to a knowledgeable interpreter whom I trust, yet the school has been almost vehemently unwilling to utilize this valuable resource. This is an enormous impediment to Tevita's FAPE and extremely detrimental to the educational benefit offered by a private home tutor collaborating with his public education teachers.

Ms. Ott and I will have access to teacher resources for each class curriculum as needed to provide educational support at home.

VIII. Tevita will receive Extended School Year Services that provide one-on-one instructor(s) trained in the school-selected Language Arts and Math general education curricula who will work with me and Ms. Ott to help Tevita narrow his widening achievement gap.

Tevita has fallen even further behind his grade level peers while at RLSMS due to the substantive and procedural violations described in this request for impartial review.

Considering that he has proven that he is capable of learning under the right circumstances, he should have the services of one-on-one Language Arts and Math instructors during the time allotted for extended school year services in the summer of 2020 to help him close the widening achievement gap between him and his grade-level peers.

The ESY L.A. and Math teacher(s) will have current experience in delivery of the school-selected Language Arts and Math general education curricula. The L.A. and Math teacher(s) will work collaboratively with me and Ms. Ott during ESY services to advance Tevita through each structured curriculum as quickly as possible without leaving broad gaps in his knowledge.

IX. Oversight.

I would like a clear understanding of who is responsible for oversight to ensure that adopted resolutions are faithfully implemented, and what that oversight process is.

X. The results of the due process resolution session and hearing will be delivered in electronic format with copyable text to both me and Ms. Ott.